



United States Government
NATIONAL LABOR RELATIONS BOARD
OFFICE OF INSPECTOR GENERAL
Washington, DC 20570-0001

March 22, 2019

Mr. Russ Kick
MuckRock News, Dept. MR 69871
411A Highland Avenue
Somerville, MA 02144

Dear Mr. Kick:

This letter is in response to the portion of your Freedom of Information Act (FOIA) request which the National Labor Relations Board (NLRB) FOIA Branch referred to the Office of Inspector General (OIG) on February 27, 2019. This request was assigned FOIA tracking number **NLRB-OIG-2019-000516**.

The portion of your FOIA request referred to the OIG sought the following responsive record "[the] FOIA request log covering 2018, which includes a field showing the subject of each request and a field for the final disposition."

The responsive record is enclosed. A redaction has been made to a portion of the requested document to protect the privacy interests of individual named in the case file. This redaction was made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

Regarding FOIA processing fees, we determined that our review process resulted in what could be considered de minimis chargeable cost. As such, it is not necessary to determine your fee category.

I am responsible for the above determination. Should you have any questions concerning this letter, you may contact me at (202) 273-1961 or by email at james.tatum@nrlb.gov. You may also contact the Agency's FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison can further explain responsive and releasable Agency records, suggest Agency

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offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Patricia A. Weth
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlrb.gov
Telephone: (202) 273-0902

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel through FOIAonline at:
<https://foiaonline.regulations.gov/foia/action/public/home>, or by mail or email at:

Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based. Please be advised that contacting any Agency official (including the FOIA Public Liaison or me) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

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For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,

A handwritten signature in blue ink that reads "James E. Tatum, Jr." with a stylized flourish at the end.

James E. Tatum, Jr.
Counsel to the Inspector General

Enclosure

ENCLOSURE

Tracking Number	Requester Name	Description	Received Date	Dispositions Used
NLRB-OIG-2018-000053	Mr. Michael Ravnitzky	A copy of the 2017 FEVS (Federal Employee Viewpoint Survey) sub-agency management report for the NLRB Office of Inspector General.	10/16/2017	No Records
NLRB-OIG-2018-000068	MARVIN GAYE	FOIA REQUEST	10/20/2017	No Records
NLRB-OIG-2018-000424	Mr. Jeff Mordock	I request all Office of Inspector General National Labor Relations Board records and documents detailing investigations into NLB employees accused of sex crimes involving minors from 01/01/12 through 01/30/18. That includes, but is not limited to, investigations into workers who are registered sex offenders, accused of child molestation or investigated for possession of child pornography both inside and outside the workplace; This request includes cases that have been closed and rejected for prosecution.	1/30/2018	Partial Grant/Partial Denial
NLRB-OIG-2018-000497	mariya nazginova	Copy of NLRB Inspector General David Berry's February 2018 report to Board Members regarding Member Emanuel's participation in Hy-Brand Industrial Contractors Ltd. matter.	2/20/2018	Partial Grant/Partial Denial
NLRB-OIG-2018-000494	Josh Eidelson	I'm seeking the February 2018 OIG report regarding William Emanuel's participation in the December 2017 Hy-Brand ruling overturning Browning-Ferris.	2/20/2018	Partial Grant/Partial Denial
NLRB-OIG-2018-000533	Exemptions 6 & 7(C)	First party requestor: Please tell me where we are in my complaint filed with the OIG.	2/23/2018	Full Denial Based on Exemptions
NLRB-OIG-2018-000550	Mr. Kevin Barry	I request a copy of all FOIA requests made by myself in calendar years 2014,2015,2016,2017,2018.	3/1/2018	Full Grant
NLRB-OIG-2018-000551	Mr. Kevin Barry	Sir, I request under FOIA any and all documents written or electronic that contain, concern or were generated in response to FOIA Request 2017-0874.	3/5/2018	Full Grant
NLRB-OIG-2018-000583	Mr. Trey Kovacs	Please provide us copies of all correspondence, and its accompanying information, including also any attachments, which 1) is dated from November 1, 2017 through March 8, 2018, inclusive, and 2) was sent to or from or copies (whether as cc: or bcc:) NLRB Inspector General David P. Berry, Board member Mark Gaston Pearce, Board member Lauren McFerran, Board General Counsel Peter Robb and/or Board Special Ethics Counsel Lori Ketcham, and 3) which contain, in the To or From, cc: and/or bcc: fields, the Subject field, and/or the email body , any of the terms or parties: a) @murray.sen.gov, b) @warren.sen.gov, c) @help.senate.gov, d) Bharat Ramamurti, e) Brian Cohen, f) Bruno Freitas, g) Daniel Geldon, h) Emily Winterson, i) Jonathan Donenberg, j) Mindy Meyers, and/or k) @propublica.org.	3/9/2018	Partial Grant/Partial Denial
NLRB-OIG-2018-000619	Mr. Raymond LaJeunesse	Attached FOIA Request related to: the NLRB's OIG Report Regarding Hy-Brand Deliberations (Feb. 9, 2018); Hy-Brand Industrial Contractors, Inc., 365 NLRB No. 156 (2017) (Dec. 14, 2017), and 366 NLRB No. 26 (Feb. 26, 2018), the former of which overturned Browning-Ferris Industries of California, 362 NLRB No. 186 (Aug. 27, 2015); and any determinations of the NLRB's Ethics Officer related to the Board's processing of these cases and/or Member Emanuel's involvement therein.	3/19/2018	Partial Grant/Partial Denial
NLRB-OIG-2018-000630	Mr. Kevin E Barry	Please provide me all documents & emails relating to OIG - I - 523.	3/20/2018	Full Denial Based on Exemptions

NLRB-OIG-2018-000640	Mr. Braden S Campbell	I am seeking documents relating to ethics inquiries into current members of the labor board, including reports or memoranda about Bill Emanuel's involvement in the Hy-Brand case, number 25-CA-163189 et al. I am also seeking documents related to any other complaints about or open investigations into Bill Emanuel's involvement in any other cases. Lastly, I am looking for documents showing whether the IG's office has fielded complaints about and/or opened investigations into misconduct or ethics violations by any other current board members, dating back to when Bill Emanuel and Marvin Kaplan were seated. This includes, but is not limited to, the existence and status of an inquiry into whether Member Mark Gaston Pearce violated ethics rules by discussing the withdrawal of the Hy-Brand decision before it was published, as Hy-Brand alleged in its March 9 motion for the board to reconsider withdrawing the decision.	3/23/2018	Partial Grant/Partial Denial
NLRB-OIG-2018-000693	Mr. Scott MacFarlane	All ROIs or closing memos for CLOSED and substantiated investigations in 2016, 2017 and thru present day 2018 (either calendar or fiscal year is acceptable) for computer misuse cases in which porn or pornographic or pornography are referenced.	4/4/2018	Partial Grant/Partial Denial
NLRB-OIG-2018-000798	Mr. Chris Opfer	I'm seeking all records relating to requests to investigate Member Emanuel and/or complaints about potential conflicts of interest or ethics violations related to Member Emanuel's previous work as a private attorney.	5/7/2018	Partial Grant/Partial Denial
NLRB-OIG-2018-000946	Mr. Todd Longwell	I'm looking for all documents relating to complaints filed against and investigations of International Alliance of Stage Employees (IATSE) Local 480 in Santa Fe and/or its former business manager Jon Hendry.	6/20/2018	Full Denial Based on Exemptions
NLRB-OIG-2018-001019	Mr. David A Rosenfeld	Can you bring us to date of the status of your investigation of the ethical lapses of Member Emanuel and former Chairman Miscimarra with respect to NLRB v. Caesars Entertainment, Case Nos. 17-17353 and 17-3379, Decision 362 NLRB No. 190, NLRB Case 28-CA-060841? Please also let me know whether you are investigating whether Peter Robb engaged in unethical conduct by relying upon the Boeing Company case to file a Motion where he knows it was issued by a panel consisting of former Chairman Miscimarra and Member Emanuel who should have recused themselves.	7/6/2018	Full Denial Based on Exemptions
NLRB-OIG-2018-001017	Mr. David A Rosenfeld	Can you please bring me up to date as to the status of the investigation of the ethical lapses of former Chairman Miscimarra and current Board Member Emanuel with respect to The Boeing Company case?	7/6/2018	Full Denial Based on Exemptions
NLRB-OIG-2018-001139	Mr. David A Rosenfeld	Request for status update of investigation of the ethical lapses of Member Emanuel and former Chairman Miscimarra regarding NLRB v. Caesars Entertainment d/b/a Rio All-Suites Hotel and Casino. Additionally, request whether investigation includes the decision of GC Peter Robb to rely on the Boeing Company case in the above-referenced matter.	7/26/2018	Full Denial Based on Exemptions

NLRB-OIG-2018-001275	Mr. Brent Yessin	Request to the IG. Re: FOIA Request and Request for Expedited Processing related to matters involving <i>OWA v. New Concepts for Living, Inc.</i> , 22-CA-208390, 22-CA-205483; 22-CA-197088, 22-CA-195819, and 22-CA-187407	9/5/2018	Full Denial Based on Exemptions
NLRB-OIG-2018-001337	Trey Kovacs	<p>1. Any and all correspondence sent to or from or which copies (whether as cc: or bcc:) NLRB Inspector General David P. Berry which is dated from August 1, 2017, to September 18, 2018, inclusive, and contains @help.senate.gov, in the To or From, cc: and/or bcc: fields, or anywhere in the body of an email.</p> <p>2. Any and all correspondence sent to or from or copies (whether as cc: or bcc:) NLRB Inspector General David P. Berry which is dated from August 1, 2017, to September 20, 2018, inclusive, and contains a) Senator Patty Murray, b) Senator Bernie Sanders, c) Senator Robert Casey, d) Senator Michael Bennet, e) Senator Tammy Baldwin, f) Senator Christopher Murphy, g) Senator Elizabeth Warren, h) Senator Tim Kaine, i) Senator Maggie Hassan, j) Senator Tina Smith, k) Senator Doug Jones, l) Senator Cory Booker, m) Mazie Hirono, n) Kirsten Gillibrand in the To or From, cc: and/or bcc: fields, the Subject field, and/or the email body.</p> <p>3. Any and all correspondence sent to or from or copies (whether as cc: or bcc:) NLRB Inspector General David P. Berry which is dated from August 1, 2017, to September 18, 2018, inclusive, and contains NLRB Designated Agency Ethics Officer Lori Ketcham in the To or From, cc: and/or bcc: fields, the Subject field, and/or the email body.</p> <p>4. Any and all correspondence sent to or from or copies (whether as cc: or bcc:) NLRB Designated Agency Ethics Officer Lori Ketcham which is dated from August 1, 2017, to September 18, 2018, inclusive, and contains @help.senate.gov, in the To or From, cc: and/or bcc: fields, or anywhere in the body of an email.</p>	9/18/2018	Partial Grant/Partial Denial